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2 VOLUMECOCOMO APPAREL, INC. a
3 corporation,

4 Plaintiff,

5 v.
6 EXPEDITORS INTERNATIONAL OF
7 WASHINGTON, INC. A CORPORATION;
8 EXPEDITORS INTERNATIONAL OCEAN,
9 a business entity of unknown type,

10 Defendants.

11 Case No.: CV 11-04201 SC (KAW)

12 ORDER

13 On May 23, 2012, Plaintiff Volumecocomo Apparel, Inc. filed an *ex parte* application to
14 shorten time on its motion to compel Defendant Hanjin Shipping Co., Ltd.'s production of
15 designated expert John E. Riley, or, in the alternative, to preclude use of said expert's testimony or
16 report at trial, and motion for fees/expenses under Federal Rule of Civil Procedure 37(b)(B) and
17 (C) and Civil Local Rule 37-4. Defendant Hanjin did not oppose, or otherwise respond to, the
motion to shorten time.

18 On May 30, 2012, the parties met with the Court telephonically, and agreed to hold Mr.
19 Riley's deposition on June 7, 2012 at 9:30 a.m. in Long Beach, California. Therefore, the single
20 remaining issue before this Court is whether to award fees and expenses under Rule 37 and Local
21 Rule 37-4. Having reviewed the papers, Plaintiff's motion for fees and expenses is DENIED due
22 to Plaintiff's failure to comply Local Rule 37-4 and "itemize with particularlity the otherwise
23 unnecessary expenses, including attorneys fees, directly caused by the alleged violation or
24 breach...." Civ. L. R. 37-4(b)(3).

25 IT IS SO ORDERED.

26 Dated: May 31, 2012

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KANDIS A. WESTMORE
U.S. Magistrate Judge